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No. 10-542

Supreme Court, U.S.
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In The

Supreme Court of the United States

ALTON T. TERRY,

Petitioner,

v.

TYSON FARMS, INC.,

Respondent.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

BRIEF OF 55 FARMING, RANCHING, AND CONSUMER ORGANIZATIONS AS AMICI CURIAE IN SUPPORT OF THE PETITIONER

DAVID A. BALTO
Counsel of Record
(application pending)
LAW OFFICE OF DAVID A. BALTO
1350 I St. NW, Suite 850
Washington, DC 20005
202-789-5424
david.balto@yahoo.com

DAVID G. VELDE
General Counsel
NATIONAL FARMERS UNION
20 F St. NW, Suite 300
Washington, DC 20001
202-554-1600

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OR CALL COLLECT (402) 342-2831

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INTEREST OF AMICI CURIAE[1]

The current question before this Court is an issue of critical national importance and will determine the effectiveness of the Packers and Stockyards Act (PSA) in meeting its central goal of creating fair, open, efficient, and transparent markets for livestock. *See* H.R. REP. NO. 85-1048, at 2 (1957). Recent court decisions have ignored the plain language and intent of the Act by grafting an anticompetitive injury requirement on its remedial provisions, thereby treating the Act as if it were another antitrust law rather than a law designed to prevent a myriad of abuses in agricultural markets.

The amici are 55 farming, ranching and consumer groups, that represent more than 400,000 farmers and ranchers nationwide, and are actively engaged in advocating for free and competitive agricultural markets. The National Farmers Union, with a membership of 250,000 farm and ranch families, works to protect and enhance the economic interests and quality of life of family farmers and ranchers and

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[1] Pursuant to Supreme Court Rule 36.7 amici state that: 1) this brief draws from an amicus brief presented in the Fifth Circuit in *Wheeler v. Pilgrim's Pride, infra,* p. 12, and Prof. Peter Carstensen, counsel for the petitioner here, assisted in the drafting of the *Wheeler* brief; and 2) no person or entity other than the amici, their members and counsel have made a monetary contribution intended to fund the preparation or submission of this brief. Pursuant to Rule 37.3 the parties were provided with at least 10 days notice of amici's intention to file and all parties have consented to the filing of this brief and such consents are lodged herewith.

rural communities. The Rural Advancement Foundation International – USA (RAFI-USA) cultivates markets, policies and communities that support thriving, socially just, and environmentally sound family farms. The Ranchers Cattlemen Action Legal Fund, United Stockgrowers of America ("R-CALF USA") is a national non-profit cattle association representing thousands of U.S. cattle producers in 46 states on issues concerning international trade and marketing to ensure the profitability and continued viability of independent U.S. cattle producers. The Organization for Competitive Markets is a national, non-profit, public policy research organization that works to help return the food and agricultural sector to true supply-demand based competition through competitive markets. The American Antitrust Institute (AAI) is an independent non-profit education, research, and advocacy organization devoted to advancing the role of competition in the economy, protecting consumers, and sustaining the vitality of the antitrust laws. AAI believes that because there are limits to what antitrust can be expected to achieve, Congress has the authority to impose market-facilitating statutes that do not necessarily incorporate antitrust doctrines. Amici are all actively engaged in advocating for free and competitive agricultural markets, and believe that granting the Petition for Writ of Certiorari is a crucial step in maintaining the integrity of the Packers and Stockyards Act.

INTRODUCTION AND SUMMARY OF ARGUMENT

The PSA was designed by Congress to be broader than the antitrust legislation preceding it because of the nature of abuses in agricultural markets, and the inability of standard antitrust law to effectively rein in these abuses. Classic tenets of statutory construction require a plain reading of sections 192(a) and (b) of the PSA to prevent unfair practices that harm farmers. Grafting onto these provisions a requirement to demonstrate an adverse impact on competition will severely restrict the ability to bring actions under the PSA, and undermine congressional intent to ensure fair and competitive livestock markets. The unique nature of abuses by highly concentrated buyers in agricultural markets, and in particular the broiler market, only underscores the necessity of Court review to clarify that there is no unwritten requirement of demonstrating competitive injury in the PSA.

ARGUMENT

I. CURRENT MARKET CONDITIONS MAKE INTERPRETATION OF THE PSA A CRITICAL ISSUE OF NATIONAL IMPORTANCE

The PSA is of vital importance now more than ever because of the increasing concentration of meat processing markets. Both the legislative and executive branches have demonstrated that increasing

market concentration is a crucial public policy concern. In 2010, the United States Department of Justice and the Department of Agriculture (USDA) embarked in a precedent-setting joint effort to examine competition in agriculture. In a series of hearings attended by thousands of farmers, the enforcement agencies heard from hundreds of farmers and received over 15,000 public comments. The hearings addressed the crisis in agriculture markets resulting from increased processor concentration, which has led to decreased compensation for farmers, forcing thousands of farmers out of business.[2]

Nowhere is this crisis as stark as in the broiler market. As USDA Secretary Vilsack observed "in 1963 the top four firms controlled 14% of chickens slaughtered, today it is roughly 57%. . . . [I]t is not uncommon for a grower to have to do business with **only one** company in their area." *Public Workshop Exploring Competition in Agriculture: Poultry Workshop*, U.S. DEP'T OF JUSTICE & U.S. DEP'T OF

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[2] Congress has expressed similar concerns. In 2008, the Subcommittee on Antitrust, Competition Policy and Consumer Rights of the Senate Judiciary Committee conducted a hearing on concentration in agriculture because of the concerns that increased consolidation results in "reduced market opportunities, possible anti-competitive and predatory business practices, and fewer choices and higher cost for American consumers." *Concentration in Agriculture and an Examination of the JBS/Swift Acquisitions: Hearing Before the Subcomm. On Antitrust, Competition Policy and Consumer Rights*, 110th Cong. 3 (2008) (statement of Sen. Grassley, Member, Sen. Comm. on the Judiciary).

AGRIC. 11 (May 21, 2010), *available at* http://www.justice.gov/atr/public/workshops/ag2010/alabama-ag workshop-transcript.pdf (hereinafter *Poultry Workshop*) (emphasis added). The broiler industry has been transformed from an industry once consisting of millions of flocks to one consisting of "less than 50 specialized, vertically integrated agribusiness firms." NAT'L AGRIC. STAT. SERVICES, U.S. DEP'T OF AGRIC., U.S. Broiler Industry Structure (2002).

Other economic studies have confirmed that processing in the broiler industry is highly concentrated and this makes the market susceptible to abusive practices and reduced compensation for growers. *See, e.g.*, Steve W. Martinez, *Vertical Coordination in the Pork and Broiler Industries: Implications for Pork and Chicken Products*, FOOD AND RURAL ECONOMICS DIVISION, ECONOMIC RESEARCH SERVICE, U.S. DEP'T OF AGRICULTURE, AGRICULTURAL ECONOMICS REPORT NO. 777 (1999). A preliminary study performed by two USDA economists found that growers with a single integrator in their area receive nearly 7% less in fees than those growers with four or more companies in their area. Nigel Key & James M. McDonald, *Local Monopsony Power in the Market for Broilers? Evidence from a Farm Survey* at 2, Presented at the Annual Meeting of the Agricultural and Applied Economics Association (July 27-29, 2008), *available at* http://ageconsearch.umn.edu/bitstream/6073/2/sp08ke30.pdf.

Processor concentration has driven farmers from the market in other meat markets. Secretary Vilsack noted the number of hog farms has declined from 666,000 farms in 1980 to roughly one-tenth of that today: 67,000, and the number of cattle farms declined from 1.6 million to roughly 950,000 during this same period, representing a loss of over 600,000 cattle farms in just the past three decades. *Poultry Workshop* at 5.

As explained in a report of the American Antitrust Institute, the diminishing opportunities for farmers and ranchers are due to a dramatic increase in concentration at the processing level. AM. ANTITRUST INS'T, THE NEXT ANTITRUST AGENDA, 290-305 (Albert A. Foer ed., 2008). This report documents the critical lack of competition in numerous agriculture processing markets and notes that the USDA failed to fully implement the PSA's enforcement provisions or "make any effort to protect vulnerable growers from exploitation." *Id.* at 310. Relevant to this matter, the report demonstrates that contracts forced upon poultry producers often contain a variety of exploitative and abusive conditions. *Id.*

The antitrust laws are often inadequate to police abusive or harmful conduct by powerful buyers. Harms from buyer power extend beyond direct effects on "upstream" or "downstream" competition as traditionally understood in antitrust law. Buyers in a highly concentrated market have great discretionary power in markets where there are many sellers and few buyers. *See* Peter Carstensen, *Buyer Power,*

Competition Policy, and Antitrust: The Competitive Effects of Discrimination Among Suppliers, 53 ANTITRUST BULL. 271, 289 (2008). Discretionary power can be used to harm individual producers by exclusion from the market, discriminatory practices, or undue favoritism. *Id.* at 297-302. This is currently happening in the broiler industry, where broiler processing firms, such as Tyson Farms, can exercise their power in an abusive manner because the localized nature of the production complexes limit the integrators with whom sellers can contract. Key & McDonald at 3.

Proper interpretation of the PSA is vital to protect farmers and ranchers from abusive and deceptive practices of processors, especially in those markets dominated by a few buyers. Many of these practices in broiler markets, such as delayed weighing of poultry, denying producers access to the weighing process, delivering diseased poultry or misleading representations may not rise to the level of an antitrust violation. Yet the purpose of the PSA was to prevent these abusive practices by powerful buyers in highly concentrated agricultural processing markets. *See* William E. Rosales, *Dethroning Economic Kings: The Packers and Stockyards Act of 1921 and its Modern Awakening*, 5 J. AGRIC. & FOOD INDUS. ORG., Article 4 at 1-2 (2004).

As Congress recognized when the PSA was enacted in 1921, the antitrust laws are inadequate to protect farmers and ranchers from exploitation. Since then the law has become clear that the antitrust laws require a showing that conduct harms the

competitive process, not merely exploits market power lawfully obtained. *See Brunswick Corp. v. Pueblo Bowl-O-Mat, Inc.*, 429 U.S. 477, 489 (1977) (citing *Brown Shoe Co. v. United States*, 370 U.S. 294, 320 (1962)). Moreover, even when competition is adversely affected, it is sometimes extremely difficult to prove. *See* AM. BAR ASS'N, ANTITRUST LAW DEVELOPMENTS 809-37 (6th ed. 2007) (describing the costs and complexities of demonstrating an adverse effect on competition under the antitrust laws). The PSA was an explicit effort to protect farmers from the abuses of the use of buyer power inherent in agricultural markets where Congress deemed the antitrust laws to be insufficient. *See* Michael C. Stumo & Douglas J. O'Brien, *Antitrust Unfairness vs. Equitable Unfairness in Farmer/Meatpacker Relationships*, 8 DRAKE J. AGRIC. L. 91, 93-94 (2003); *see also* Christopher M. Bass, *More than a Mirror: the Packers and Stockyards Act, Antitrust Laws, and the Injury to Competition Requirement*, 12 DRAKE J. AGRIC. L. 423, 428 (2007) (discussing historical context in which the PSA was adopted).

II. THE PSA IS BROADER THAN THE SHERMAN AND CLAYTON ACTS

The primary purpose of the PSA is "to assure fair competition and fair trade practices in livestock marketing and in the meatpacking industry." H.R. REP. NO. 85-1048 (1957). When Congress passed the PSA, it was primarily motivated to protect farmers from abusive and deceptive practices by powerful

livestock buyers. Stumo & O'Brien at 91-92. The goal was to enact a broad statute similar to Section 5 of the Federal Trade Commission Act that would give farmers and the USDA the power to challenge abusive and unfair practices that could not be effectively challenged under the Sherman and Clayton Acts. Congress enacted the statute because the antitrust statutes had failed to remedy the ongoing unfair and deceptive conduct in the market. Rosales at 6-10; Note, *Challenging Concentration of Control in the American Meat Industry*, 117 HARV. L. REV. 2643, 2657 (2004).

The PSA was intentionally designed to be broader than its analogous antitrust laws, the Sherman and Clayton Acts. *See* C. Robert Taylor, *Buyer Power Litigation in Agriculture: Pickett v. Tyson Fresh Meats, Inc.*, 53 ANTITRUST BULL. 455, 456-57 ("[The PSA] was intended to go much further than the Sherman and Clayton Acts to protect livestock producers (the sellers) from various unfair and anticompetitive practices by meatpackers (the buyers). . . ."). The text of the statute itself states this explicitly, noting that the private right of action under the PSA: "shall not in any way abridge or alter remedies now existing at common law or by statute, ***but the provisions of this chapter are in addition to such remedies***." 7 U.S.C. § 209(b) (emphasis added). This Court confirmed a broad construction of this statute in *Stafford v. Wallace*, 258 U.S. 495, 514-15 (1922):

> The chief evil feared [by the PSA] is the monopoly of the packers, enabling them unduly and arbitrarily to lower prices to the shipper, who sells, and unduly and arbitrarily to increase the price to the consumer, who buys. . . . Expenses incurred in the passage through the stockyards necessarily reduce the price received by the shipper, and increase the price to be paid by the consumer. If they be exorbitant or unreasonable, they are an undue burden on the commerce which the stockyards are intended to facilitate. ***Any unjust or deceptive practice or combination that unduly and directly enhances them is an unjust obstruction to that commerce***.

(emphasis added). More recent case law has confirmed the role of the PSA to combat a broad range of unfair and anticompetitive practices. *See United States v. Perdue Farms, Inc.*, 680 F.2d 277, 280 (2d Cir. 1982) ("As originally enacted in 1921, the purpose of the [PSA] was to combat anticompetitive ***and*** unfair practices.") (emphasis added).

The Department of Justice in this case and in earlier cases under the PSA agrees that Congress intended for the PSA to cover practices that were not violations of the antitrust laws and that it is inappropriate to require a showing of competitive harm. *See* Brief for the United States of America as Amicus Curiae Supporting Plaintiffs-Appellees at 13, Wheeler v. Pilgrim's Pride Corp., 591 F.3d 355 (5th Cir. 2009) (No. 07-40651).

III. THE SIXTH CIRCUIT MISCONSTRUED THE PSA BY CONFLATING PSA STANDARDS WITH ANTITRUST STANDARDS USED UNDER THE SHERMAN AND CLAYTON ACTS

The PSA was enacted years after the Sherman Act and the watershed moment in its jurisprudence, *Standard Oil Co. of New Jersey v. United States*, which interpreted section 1 of the Act to bar only agreements that "unreasonably" restrain trade. 221 U.S. 1 (1911). The PSA's broader nature was indeed a direct response to the inability of the previous antitrust legislation to effectively curtail unfair or deceptive practices in the meatpacking industry:

> [S]ection 2 of the Clayton Act, section 5 of the Federal Trade Commission Act and the prohibitions in the Sherman Anti-Trust Act were not broad enough to meet the public needs as to business practices of packers. Section [192](a) and (b) was enacted for the purpose of going further than prior legislation in the prohibiting of certain trade practices which Congress considered were not consonant with the public interest.

Wilson & Co. v. Benson, 286 F.2d 891, 895 (7th Cir. 1961).

The Sixth Circuit below narrowly construed the PSA to be consistent with the antitrust laws notwithstanding that the statute was specifically designed to broaden the scope of culpability where antitrust legislation was too narrow. In holding that § 192(a)

and (b) require an anticompetitive effect, the court conducted no independent analysis but rather relied wholly on the supposed unanimity of the circuits because "the rationale employed by our sister circuits is well-reasoned and grounded on sound principles of statutory construction." Brief for Petitioner, App. 14a. Without reviewing any of the relevant arguments, the court followed the Fifth Circuit's reasoning that because "the purpose of the Packers and Stockyards Act . . . is to protect competition, . . . only those practices that will likely affect competition adversely violate the act." *Id.* at 11a (quoting *Wheeler v. Pilgrim's Pride Corp.*, 591 F.3d 355, 357 (5th Cir. 2009) (en banc) (9-7 vote)).

However, the Fifth Circuit, and the other circuits that have followed the same reasoning, are wrong; among other things, they have ignored that this Court expressly held with respect to Section 5 of the Federal Trade Commission Act, a similarly broad unfairness statute. Like the PSA, the FTC Act was passed in order to *supplement* previous antitrust laws by prohibiting a broader category of unfair and anticompetitive practices: "Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful." 15 U.S.C. § 45(a)(1). In *FTC v. Sperry & Hutchinson, & Co.*, the FTC held that Sperry had violated the FTC Act by attempting "to suppress the operation of trading stamp exchanges." *Sperry*, 405 U.S. 233, 234 (1972). Sperry challenged the holding and the Fifth Circuit agreed with Sperry

holding that the "FTC could halt only conduct that violated either the letter or the spirit of the antitrust laws." *Id.* at 235. This Court however reversed that holding and held that "unfair competitive practices were not limited to those likely to have anticompetitive consequences after the manner of the antitrust laws; nor were unfair practices in commerce confined to purely competitive behavior." *Id.* at 244. *See also Been v. O.K. Indus. Inc.*, 495 F.3d 1217, 1240 (10th Cir. 2007) (Hartz, J., concurring and dissenting) (Discussing how the PSA is an "offspring of the FTC Act" and broader than the antitrust laws.)

In *Sperry*, this Court faced the very issue posed in this case – whether to graft on a requirement of showing an adverse effect on competition on a broad statute condemning unfair practices. This Court rejected that proposition, holding that the FTC Act proscribes "practices as unfair or deceptive in their effect upon consumers ***regardless of their nature or quality as competitive practices or their effect on competition***[.]" *Sperry & Hutchinson*, 405 U.S. at 239 (emphasis added). There is no requirement of effect on competition in the FTC Act because "[t]he point where a method of competition becomes 'unfair' within the meaning of the [FTC] Act will often turn on the exigencies of a particular situation, trade practices, or the practical requirements of the business in question." *FTC v. Motion Picture Adver. Co.*, 344 U.S. 392, 396 (1953).

Like the FTC Act, the PSA proscribes acts that would not be illegal under other antitrust legislation. *See Armour & Co. v. United States*, 402 F.2d 712, 722 (7th Cir. 1968) ("[s]ection 202(a) [i.e., 192(a)] should be read liberally enough to take care of the types of anticompetitive practices properly deemed 'unfair' by the Federal Trade Commission . . . and also to reach any of the special mischiefs and injuries inherent in livestock and poultry traffic."); *see also Swift & Co. v. United States*, 393 F.2d 247 (7th Cir. 1968); *see also* Stumo & O'Brien at 93-97 (discussing the added breadth of the PSA in terms of micro [unfairness] and macro [antitrust] effects). Thus, any requirement that a plaintiff prove an adverse effect on competition is inconsistent with the purposes of the statute.

IV. STATUTORY CONSTRUCTION RULES REQUIRE A PLAIN READING OF §§ 192(a) AND (b)

Courts should "resist reading words or elements into a statute that do not appear on its face." *Bates v. United States*, 522 U.S. 23, 29 (1997). Resolving statutory ambiguities without a solid textual anchor makes a court's "pronouncement[s] appear[ ] uncomfortably like legislation." Antonin Scalia, *The Rule of Law as a Law of Rules*, 56 U. CHI. L. REV. 1175, 1185 (1989); *see also Oncale v. Sundowner Offshore Servs., Inc.*, 523 U.S. 75, 79 (1998) ("it is ultimately the provisions of our laws rather than the principal concerns of our legislators by which we are governed."). Justice Scalia's reasoning is well supported:

"courts must presume that a legislature says in a statute what it means and means in a statute what it says there." *Connecticut Nat'l Bank v. Germain*, 503 U.S. 249, 253-54 (1992); *see also Lamie v. U.S. Trustee*, 540 U.S. 526, 534 (2004) ("It is well established that 'when a statute's language is plain, the sole function of the courts – at least where the disposition required by the text is not absurd – is to enforce it according to its terms.'").

"[T]he starting point in any case involving the meaning of a statute[ ] is the language of the statute itself." *Group Life & Health Ins. Co. v. Royal Drug Co.*, 440 U.S. 205, 210 (1979). The language at issue here from the Packers and Stockyards Act, 7 U.S.C. §§ 192(a)-(b), is unambiguous and clear:

> It shall be unlawful . . . for any live poultry dealer with respect to live poultry to: (a) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device; or (b) Make or give any undue or unreasonable preference or advantage to any particular person or locality in any respect, or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect.

7 U.S.C. § 192(a)-(b). Judge Garza in his dissent in *Wheeler* correctly noted that neither Section 192(a) or (b) contain language that would limit its application only to acts that have an adverse effect on competition. *Wheeler*, 591 F.3d at 374 (Garza, J., dissenting).

Further, Congress did place language requiring an adverse effect on competition in other subsections of § 192, which is further evidence that no adverse effect on competition is required in subsections (a) and (b). *See* 7 U.S.C. § 192(c) (" . . . if such apportionment has the tendency or effect of restraining commerce or of creating a monopoly."); 7 U.S.C. § 192(d) (" . . . or with the effect of manipulating or controlling prices, or of creating a monopoly . . . or of restraining commerce."); 7 U.S.C. § 192(e) (" . . . or with the effect of manipulating or controlling prices, or of creating a monopoly . . . or of restraining commerce."). "'Where Congress includes particular language in one section of a statute but omits it in another section of the same [a]ct, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.'" *Russello v. United States*, 464 U.S. 16, 23 (1983) (citation omitted); *see also Wheeler*, 591 F.3d at 374 (Garza, J. dissenting) (if Congress intended to limit the scope of § 192(a)-(b) it would have included language to do so).

The other opinions relied upon below ignored the strict standards of statutory construction and attempted to read into the PSA antitrust provisions which simply are absent. For example, in *Been*, the court found the PSA's antitrust background as reason to read a requirement of adverse effect on competition. *Been at* 1229. In *London*, the court reached the same conclusion by relying on the PSA's legislative history, "antitrust ancestry," and "policy considerations." *London v. Fieldale Farms Corp.*, 410 F.3d

1295,1307 (11th Cir. 2005). Both decisions are incorrect as to the legislative intent, but in any case fall into the trap Justice Scalia warns of above, and make decisions "appear[ ] uncomfortably like legislation." Scalia at 1185.

Numerous district courts have followed the instructions to rely on the plain language of the statute. The Northern District of Iowa noted that: "only a strained reading of the statute could require that practices that are 'unfair' or 'deceptive' within the meaning of § 192(a) must *also* be 'monopolistic' or 'anticompetitive' to be prohibited." *Kinkaid v. John Morrell & Co.*, 321 F. Supp. 2d 1090, 1103 (N.D. Iowa 2004). *See also Schumacher v. Tyson Fresh Meats, Inc.*, 434 F. Supp. 2d 748, 754 (D.S.D. 2006) ("7 U.S.C. § 192(a)[ ] does not prohibit only those unfair and deceptive practices which adversely affect competition."); *White v. Pilgrims' Pride Corp.*, 2008 WL 4471656 (E.D. Tex. Sept. 29, 2008) (ruling that plaintiff need not prove an adverse effect on competition under § 192(a)-(b)); *Gerace v. Utica Veal Co.*, 580 F. Supp. 1465 (N.D.N.Y 1984) (dismissing argument that § 192(a) required a showing of restraint on trade or competition).

"[Congress] does not . . . hide elephants in mouse holes." *Whitman v. Am. Trucking Ass'ns*, 531 U.S. 457, 468 (2001). By reading an adverse competitive effect into sections 192(a)-(b), courts have spotted an elephant in this mouse hole. This Court's own precedent is that courts cannot take the place of Congress

in deciding matters of policy. *Tennessee Valley Authority v. Hill*, 437 U.S. 153, 194-95 (1978).

CONCLUSION

We respectfully request that the Court grant the petition for a Writ of Certiorari.

Respectfully submitted,

DAVID A. BALTO
Counsel of Record
(application pending)
LAW OFFICE OF DAVID A. BALTO
1350 I St. NW, Suite 850
Washington, DC 20005
202-789-5424

DAVID G. VELDE
General Counsel
NATIONAL FARMERS UNION
20 F St. NW, Suite 300
Washington, DC 20001
202-554-1600

AMICI LIST

Alabama Contract Poultry Growers Association

Alaska Farmers Union

American Agriculture Movement

American Antitrust Institute

American Grassfed Association

California Farmers Union

Campaign for Contract Agriculture Reform (CCAR)

Center for Food Safety

Citizens for Private Property Rights (MO)

Colorado Independent Cattle Growers Association

Contract Poultry Growers Association of the Virginias
Farm and Ranch Freedom Alliance

Food & Water Watch

Hispanic Organizations Leadership Alliance

Idaho Farmers Union

Illinois Farmers Union

Independent Beef Association of North Dakota
(I-BAND)

Independent Cattlemen of Nebraska

Independent Cattlemen of Wyoming

Indiana Farmers Union

Institute for Agriculture and Trade Policy

Iowa Farmers Union

Island Grown Initiative

Kansas Cattlemen's Association KS

Kansas Farmers Union

Michigan Farmers Union

Midwest Environmental Advocates

Mississippi Livestock Markets Association

Missouri Farmers Union

National Catholic Rural Life Conference

National Family Farm Coalition

National Farmers Organization

National Farmers Union

National Latino Farmers & Ranchers Trade Association

National Sustainable Agriculture Coalition

Nebraska Farmers Union

Nevada Live Stock Association

New England Farmers Union

North Carolina Contract Poultry Growers Association

North Carolina Environmental Justice Network

Ohio Farmers Union

Oregon Rural Action

Organic Consumers Association

Organization for Competitive Markets

Pennypack Farm & Education Center

Powder River Basin Resource Council

R-CALF United Stockgrowers of America

Rural Advancement Foundation International, USA (RAFI-USA)

South Dakota Stockgrowers Association

Texas Farmers Union

United Poultry Growers Association

Utah Farmers Union

Virginia Association for Biological Farming

Western Organizations of Resource Councils (WORC)

Wisconsin Farmers Union